

APPLICATION FOR PERMISSION TO CHANGE THE PLACE OF USE
OF WATER ALREADY APPROPRIATED.

Date of first receipt and filing in the State Engineer's office: NOV 8 1939, 19 .

Date Returned to Applicant for correction: , 193 .
Corrected Application filed: , 193 .

The undersigned, JOHN UHALDE, a citizen of the United States of America and a resident of the State of Nevada, hereby makes application to correct an erroneous description showing the point of diversion and place of use of water covered by Application No. 4851, Certificate Record 941, in the Records of the State Engineer for the waters described as Modes Holes Springs and the sources of supply generally known as the Modes Holes Springs, as hereinafter shown. (This application is also to definitely authorize the use of said waters for all kinds of livestock, sheep, as well as cattle owned or grazed by the applicant. The application is not intended as a change in point of diversion or place of use due to the fact that the water and facilities will be used at the same place and diverted at the same place as heretofore but the paper designation of the locations will be corrected only. Also, the original application and certificate authorize stockwatering generally. This application is intended to clarify the character of use so as to include sheep, cattle and horses.)

1. The source of water supply of the proposed change is Modes Holes Springs and tributaries and sources of supply.
2. The amount of water applied for to be changed is 0.025 of a cubic foot of water per second.
3. The water is to be used for the watering of 5,000 head of sheep, 500 head of cattle and 100 head of horses, as may be necessary or required from time to time.
4. The water is to be diverted from its source at the following point:

Primary point of diversion in SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 27, Township 2 South, Range 57 East, M.D.B.&M.; SW $\frac{1}{4}$ of Section 22, Township 1 North, Range 57 East, M.D.B.&M., bears North 1°25' West, 65,401 feet.

From the last above primary tie point of diversion, a pipe line extends South 61° 8' West, 940 feet, to a tank, near which there is also the original Modes Hole No. 1 and Modes Hole No. 2 Springs, forming a group, from which water was heretofore pumped into the tanks and troughs. The later works are situated in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 27, Township 2 South, Range 57 East, M.D.B.&M.

5. The water has heretofore been applied for to be used as designated in the original application in the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22, Township 2 South, Range 57 East, M.D.B.&M.
(See Application No. 4851.)

The point of diversion designated in said application is the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 22, Township 2 South, Range 57 East, M.D.B.&M. Both designations aforesaid are apparently in error as determined from a recent survey, a map of which accompanies this filing. The error undoubtedly occurred because of the fact that the tie line is more than ten miles distant and was undoubtedly taken from a triangulation measurement at the time of the filing of the original application.

6. The new place of use of the water heretofore appropriated under original Application 4851 is in fact the same as heretofore, namely, the designation given in paragraph No. 4 above, it being only a correction of a description rather than a change in the point of diversion or place of use.
7. The work shall consist of the same improvements as heretofore under the original application and permit, namely, a shaft 8' x 10' x 15' deep, (sometimes referred to as Modes Hole No. 3), situate at the point of diversion first above given; a concrete tank 20' x 20' x 1' deep, into which water is pumped from Modes Holes No. 1 and No. 2 and into which the water from Modes Hole No. 3 flowed by gravity through a pipe line 940 feet distant; also, a cut 5' x 30' x 8' at the face, originally known as Modes Hole No. 1: also three 150-gallon metallic watering troughs, as indicated in Certificate No. 941 and small reservoirs formed by the excavation.
8. The work is already completed and needs only repairs, replacements and cleaning out from time to time.
9. The estimated cost of the work is--Already completed.
10. The water will be used throughout the entire year from January 1 to December 31, inclusive.

Remarks:

Modes Holes Springs have been used by the applicant and his predecessors in interest for more than forty or fifty years as a vested stockwatering area. Application 4851 was filed to perfect the vested right without waiving any of the original rights acquired before the statute requiring applications to the office of the State Engineer was adopted. The Sharp Land & Cattle Company originally intended to water all classes of livestock at the source and designated stockwatering as the purpose in Application 4851 and Certificate 941 likewise authorizes stockwatering generally.

Dated: November 7, 1939.

JOHN UHALDE
BY W. M. Kearney
His Attorney
Box 295
Reno, Nevada.

Map Filed NOV 8 1939

Informally Protested by Grant Welch, Feb. 13, 1940.

APPROVAL OF THE STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use of 0.025 of a cubic foot of water per second of the waters of Modes Holes Springs and Tributaries and Sources of Supply, heretofore granted under Application No. 4851, Certificate No. 941, is issued to correct an erroneous description, and is issued subject to the terms and conditions imposed in said Permit No. 4851, with the understanding that no other rights on the source will be affected by the change proposed herein, and with the further understanding that there will be no actual physical change on the ground in the point of diversion and place of use from that represented by Certificate No. 941, issued under Permit No. 4851. A substantial headgate and weir must be installed at or near the point of diversion to facilitate the measurement and control of water. The State reserves the right to regulate the use of water under this proposed change at any and all times. The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.025 of a cubic foot per second.

Actual construction work shall begin on or before
June 3, 1943

Proof of commencement of work shall be filed before
July 3, 1943

Work must be prosecuted with reasonable diligence and be completed on or before June 3, 1944

Proof of completion of work shall be filed before
July 3, 1944

A Application of water to beneficial use shall be made on or before June 3, 1945

Proof of the application of water to beneficial use must be filed with the State Engineer on or before July 3, 1945.

WITNESS MY HAND AND SEAL this

3rd day of December, 1942

Alfred Murray Smith
State Engineer

Proof of commencement of work filed JUL 17 1943

Proof of completion of work filed JUN 17 1944

